

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 12, 2008**

Present: : Commissioners Lythgoe and Notbohm; Harold Stepper, County Planner; Bonnie Ramey, Clerk and Recorder; Matt Johnson, County Attorney; Dave Kirsch

Absent: Commissioner Weber

MINUTES

Commissioner Lythgoe moved to approve the minutes of January 22. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of January 29. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of February 5. Commissioner Notbohm seconded. The motion carried.

REPORTS

Receipt of the January expense and revenue reports from the Clerk and Recorder.

Receipt of the January cash report from the Treasurer's Office.

CALENDAR REVIEW

2/14 Tri-Co Fire - Helena - 9:30
Meeting regarding subdivision of South Campus - 10:00
Elkhorn Working Group - 1:30
MTAG - 5:00
Weed Board - 6:00
2/18 HOLIDAY - County Offices Closed

COMMISSION REPORTS

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TSEP MEETING

Commissioner Lythgoe reported that he attended an *Improve your Bridge* meeting put on by the Department of Commerce on Wednesday in Bozeman. He noted that Great West, our engineering firm, was well represented at the meeting. Commissioner Lythgoe said that it was a good meeting, a lot of people were there and a lot of good information was given.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS OPTIONS REGARDING RID PAY OFF WHEN A SUBDIVISION OR EXEMPTION CERTIFICATE OF SURVEY OCCURS WITH A RID

DISCUSS RESOLUTION REGARDING JEFFERSON COUNTY SURVEY REVIEW COMMITTEE POLICY

Matt stated that there have been some issues with the RIDs and Bonnie has brought up some good questions. Matt gave the example of three parcels to be combined and made into two parcels. He feels that the best solution would be to have the RID fees to be paid up front, as well as any other taxes due. There are also instances where people are splitting lots that are a part of a RID, and they are trying to figure out how to get the assessments. They propose to amend the resolution that outlines the criteria for local determination of evasion of the subdivision and platting act and subdivision and sanitation act. Matt distributed copies of the draft with the changes highlighted. Matt discussed the proposed revisions to the resolution. Matt noted that the most important change to the resolution is the addition of paragraph 4 under the General Review Criteria, which reads: "A Rural Improvement Districts (RSID) lien is a taxable lien upon a parcel of real property. When filing a survey, all taxes, including RSID liens, must be paid in full on affected real property." They are asking that the Commission adds this additional language, so that there is a way to make sure that all of the RID fees are taken care of. Commissioner Lythgoe asked if this would also cover a subdivision. Matt stated that a subdivision would be different, and he believes that the subdivision regulations should also be changed to include that new language. As Great West is currently amending the county's subdivision requirements, it is a good time to add that change. Commissioner Lythgoe asked if the language related to subdivisions should also be included in the resolution. Matt stated that the resolution basically deals with ways to avoid the subdivision process, so he would like to keep them separate. Commissioner Notbohm asked if they have had any situations on the current RIDs. Do they have to make this retroactive. Matt stated that they can't. This is just something that they haven't thought of.

Bonnie stated that we had a boundary relocation survey done. It happened at the time when they had adopted the resolution to form the district, but had not sold the bonds yet. Because of this, they did not know the exact amount of money, and the boundary relocation had been put on record. She stated that it is Joe Schmaus' property, which was assessed as five patented mining claims on the RSID. She thinks that they have it figured out. This is really what brought up the issue, and the questions of how we proceed from here on out. They need to set up guidelines to deal with this in the future. Bonnie also said that she feels that the subdivision regulations should have the same language. This is supported by statute, which states that all taxes, etc. are to be paid before a subdivision or certificate of survey is put on record. Mae Nan agrees with

that viewpoint also. This will apply to anything created from this point on. Commissioner Lythgoe asked the question about existing subdivisions. Bonnie stated that the new landowner would be responsible if they purchase a lot in total. If a lot was divided, the fees would need to be paid up front. Bonnie stated that most people are paying the fees in full. The reason for this is because we gave the title companies information at the time the bond was created, and they are making it a part of their title policies and are suggesting that the fees are paid in full up front. Bonnie said that this will mostly be taken care of by the title policy issues. People will be paying in full up front. Matt stated that one thing that will not be taken care of is the maintenance fees. This will need to be decided. Commissioner Lythgoe stated that they have decided that the maintenance can be revisited every year, but certainly every two years. Bonnie said that they need some sort of guideline in place so that people who are dividing or consolidating their land will know what to expect. Commissioner Lythgoe stated that this was discussed in the public meetings, and everyone knew at one time that the maintenance fees could be looked at every year. Bonnie stated that it would be a good idea to draw up a policy regarding this so that it is in writing. Commissioner Lythgoe suggested that a resolution be drawn up. Also, in future resolutions outlining the formation of a RID, all of this information should be included so that everyone has that information. Bonnie agreed that it would be very helpful. This would also help the bonding agents. They are unclear how the process will work after the bonds are sold. They just need a guideline of how to proceed.

Commissioner Lythgoe asked if Mae Nan has been cooperative and available. Bonnie stated that she is the one who responded to her questions on the South Hills RID. She first went to Bridgett at DA Davidson, as they are the ones who handled the bonds. She involved Mae Nan, who noted that Madison County asked a lot of similar questions to what she asked. They were just concerned with subdivisions however. The only person that she didn't hear back from was Kelly Coselus at the Department of Commerce, so she is not sure what her response would have been.

Commissioner Lythgoe asked if they feel that the added language is sufficient. Bonnie, Harold and Matt all felt that the language will be sufficient.

Commissioner Lythgoe stated that they pretty much took care of both agenda items with one discussion. The resolution has been in place for some time, but this is an important addition.

APPOINT BOARD MEMBERS

Commissioner Lythgoe stated that there are no board appointments at this time. This item will remain on the agenda.

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER